

**22.07**

05/06/2014  
 C89 Proposed  
 C90

**RURAL ACTIVITY ZONE**

This policy applies to all land within the Rural Activity Zone

**Policy Basis**

The South Gippsland Rural Land Use Strategy (2011) noted that a range of tourism based uses could be considered or encouraged in the area identified for the application of the Rural Activity Zone (RAZ).

In the RAZ, all new dwellings on lots under 40 hectares will require a permit. As the RAZ is primarily to provide for agriculture and compatible uses it does not seek to provide for rural residential outcomes on lots above 4.1 hectares. Increased dwelling development will ultimately compromise the values of the areas identified for application of the RAZ as suitable for agriculture and rural-based tourism. The land within the RAZ is already substantially subdivided and to avoid further fragmentation of land, boundary realignments and re-subdivision will be assessed against the subdivision policy in this clause. In terms of uses, the types of tourism activities to be promoted are to be primarily accommodation and low key activities in conjunction with agriculture rather than activities which could readily be accommodated in nearby towns.

**Policy Objectives**

- To promote and encourage a diverse range of agricultural activities.
- To promote and encourage tourism use and development that is compatible with agricultural production and the environmental attributes of the area.
- To discourage uses that can be reasonably accommodated in an urban zone.
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

**Policy****Land Use**

It is policy that:

The following land uses are encouraged in the RAZ if decision guidelines in the RAZ and this local policy are met:

- Agriculture
- Leisure and recreation
- Group accommodation associated with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins, residential hotel / motel etc)
- Restaurant (but only in association with a tourist / recreational activity)
- Primary Produce sales
- Winery

The following uses are discouraged in the RAZ:

- Cattle feedlot
- Convenience shop
- Intensive animal husbandry
- Landscape and gardening supplies
- Manufacturing sales other than products made from local rural produce
- Place of assembly where land is to be used for more than 10 days in a calendar year
- Hotel
- Store
- Tavern
- Timber production

### **RAZ Dwellings**

Dwellings on lots 4.1 hectares or less in size are encouraged if in conjunction with a separate tourism venture on the lot [and are not located on land in a Restructure Area identified in the Incorporated Document Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017](#). The location of the dwelling on the lot will be considered against whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Dwellings on lots over 4.1 hectares will be considered in the RAZ based on the decision guidelines of the Zone:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses: [and](#)
- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 and 40 hectares will not be supported.

It is policy that:

When considering a permit application for the construction of a dwelling, the landowner is required to enter into an agreement under section 173 of the Act to prevent the subdivision of the lot containing the dwelling.

### **RAZ Subdivision**

#### *Subdivision of land to accommodate an existing dwelling*

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased.

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:

- The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term;
  - There are beneficial agricultural outcomes for the land by excising the dwelling; [and](#)
  - The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.
- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists. Former road reserves, lots under 40~~9~~ hectares created by consolidation or other subdivision process not requiring a planning permit, and historic lots on ~~former old and~~ inappropriate ~~Crown settlements subdivisions and townships~~, may not be used for this purpose.

A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 hectares will contain a condition requiring that the land owner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the balance lot.

- Where the application seeks to excise a dwelling by increasing the number of lots:
  - There must be no opportunity available for re-subdivision of the balance lot(s);
  - The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999; [and](#)
  - The balance (remaining) lot must be greater than 40 hectares in area.
- Where a dwelling has been excised from the land since 29 May 2009, further subdivision (by any method) to accommodate another existing dwelling from that land will be strongly discouraged.
- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged.
- Excisions that result in ‘axe-handle’ or island style lots will be strongly discouraged.
- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged.
- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities.

*Re-subdivision of existing lots without a dwelling*

Applications to re-subdivide land for purposes other than house lot excisions will be assessed in accordance with the criteria below.

It is policy that:

- An application to re-subdivide existing lots must demonstrate that the proposal enhances existing or proposed agricultural activities; [and](#)
- An application to create a lot under 4.1 hectares is not permitted unless for the purposes of a non-residential use. A permit that approves a lot under 4.1 hectares should contain a condition requiring that the land owner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the lot.

**Application Requirements**

An application to subdivide land must include [\(as appropriate\)](#):

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features; [and](#)
- A report that addresses this policy.

#### **Policy Decision Guidelines**

All applications for use or development including subdivision and buildings and works will be assessed according to the policy objectives of this clause.

All applications for use or development should be:

- Of modest scale, that is relevant to the land size, surrounding uses and the ability to blend with the landscape;
- Subservient to the landscape so as not to detract from the quality of the landscape;
- Capable of net gain environmental outcomes; [and](#);
- An application will be required to demonstrate how the proposal will be self-sufficient in the provision of relevant infrastructure and associated development costs.

#### **Policy reference**

[Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August, 2017](#)

*South Gippsland Rural Land Use Strategy, 2011*

#### **Reference Documents**

~~*Infrastructure Design Manual (vers 4, March 2013) (as amended)*~~

~~*Healthy by Design 2012 (as amended) The South Gippsland Housing and Settlement Strategy, 2013 (as amended)*~~

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